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LLC f/k/a BEAM GLOBAL SPIRITS & WINE, INC.
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18 IN THE UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 Renata Bonar, On Behalf of Herself, All Others
21 Similarly Situated and the General Public,
22 Plaintiff,
23 v.
24 BEAM GLOBAL SPIRITS & WINE, INC., and
25 DOES 1-25, Inclusive,
26 Defendants.

Case No. 11-cv-02058 CAB (KSC)

The Hon. Cathy Ann Bencivengo
Courtroom: 2

**NOTICE OF MOTION AND MOTION
BY DEFENDANT BEAM FOR
SUMMARY JUDGMENT**

[Filed concurrently with Memorandum of
Points and Authorities, Declaration of
Susan St. Denis and Declaration of Steve
Fechheimer.]

Date: February 19, 2013

Time: 2:00 p.m.

Place: Courtroom 2

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on February 19, 2013 at 2:00 p.m. in the courtroom of the
3 Honorable Cathy Ann Bencivengo, located at 221 West Broadway, San Diego, California, 92101,
4 Defendant BEAM GLOBAL SPIRITS & WINE LLC ("Beam") will and hereby does move for
5 summary judgment dismissing all counts of Plaintiff's complaint.

6 This Motion is made on the ground that the uncontested facts show that whereas
7 Plaintiff's alleged purchases of "Skinnygirl Margarita" occurred in or before January 2011, Beam
8 did not own "Skinnygirl Margarita" until March 17, 2011. Thus, Beam did not make, market or
9 sell the "Skinnygirl Margarita" product Plaintiff allegedly purchased. Moreover, Beam, which
10 acquired the "Skinnygirl Margarita" trademark and certain related assets pursuant to an Asset
11 Purchase Agreement dated March 17, 2011, did not assume liability for sales or marketing
12 activities or for products manufactured or sold before that date. Summary judgment is therefore
13 warranted as a matter of law, pursuant to Federal Rule of Civil Procedure 56.

14 This Motion is based on this Notice, the accompanying memorandum of points and
15 authorities, the supporting declarations and exhibits thereto, and the court files, records and other
16 evidence and argument as may be presented in connection with this Motion.

17 Dated: November 29, 2012

18 CHADBOURNE & PARKE LLP

19 By _____ s/Susan St. Denis

20 Susan St. Denis
21 Attorneys for Defendant BEAM GLOBAL
22 SPIRITS & WINE LLC

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